

**MISSOURI DEPARTMENT OF CORRECTIONS  
TRAINING ACADEMY  
LESSON PLAN**

**COURSE TITLE:** Inservice

**CLASS TITLE:** Armed Transportation

**MODULE TITLE:** Module #2: Using Firearms During Transport

Prepared By:  
Edward Yahnig

Date: April 2005

**OVERVIEW**

This is the second of three training modules which will provide trainers with the skills necessary to train staff in transportation techniques that are safe and within policy guidelines. In this module training will focus on the correct use of firearms for offender transportation and will address use of force aspects, "shoot-don't shoot situations" and weapon retention.

**PARAMETERS**

Hours: 2

Space: Large Classroom

Number: 24

Audience: Custody Officers

**PERFORMANCE OBJECTIVES**

At the conclusion of this course, participants will be able to:

1. Given an confrontational situation, select and justify a use of force response, according to the guidelines provided.

**EVALUATION TECHNIQUES**

Evaluation techniques utilized by the trainer(s) to determine if the performance objectives have been met.

1. Trainer's Observation
2. Proficiency Test
3. Participant's feedback

### REQUIRED MATERIALS/EQUIPMENT/SUPPLIES NEEDED

<input type="checkbox"/> Overheads	<input checked="" type="checkbox"/> Projector screen
<input type="checkbox"/> Overhead Projector	<input checked="" type="checkbox"/> Computer & LCD
<input checked="" type="checkbox"/> Slide show	<input type="checkbox"/> Television(s)
<input type="checkbox"/> Videotape Player	<input type="checkbox"/> Video Camera
<input type="checkbox"/> Posters	<input checked="" type="checkbox"/> Masking Tape
<input checked="" type="checkbox"/> Markers	<input checked="" type="checkbox"/> Easel Pads & Stands

**Videotapes:**

**Other:**

### STUDENT HANDOUTS

**Title**

Participant workbook

## INSTRUCTIONAL STRATEGIES

Lecture, group analysis, demonstration, role play

## REFERENCES

The following books and materials were used as a basis for this lesson plan. The instructor should be familiar with the material in these reference documents to effectively teach this module.

### TITLE

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1. IS Policy 20-4.2 Offender Transportation

4. Missouri Revised Statutes Chapter 217

2. Offender Transportation Basic Training

5.

3. Firearms Training for Trainers

6.

*Prerequisite Training/Certification:* Trainer Skills Development class or equivalent, two years of service and current firearms certification

*Curriculum Content Approved by:*  
Bill Schmutz, Security Coordinator

*Date Approved:*

*Curriculum Design Approved by:*

*Date Approved:*

Original Date: May 2005

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#### ANTICIPATORY SET

In the first module we explored the use of restraints and their application. In this module we are going to examine the armed backups for offender transports and when force should be employed.

**Ask Participants:** Why have armed backups and what training have staff received regarding how to provide an armed escort?

**Possible Responses:** You need armed escorts to ensure the safety of the public and to protect the offender and the escorts. Local law enforcement don't have the resources to provide escorts, even if they would. Unfortunately, past training in this area has been limited.

Escapes from custody have occurred in the past and unfortunately, they will occur in the future. They occur from prison transports and from the custody of police, as was recently seen in Georgia.

#### **Note to Trainer**

Relate the following incident to participants and discuss the impact that it might have on MDOC transporting offenders.

#### **March 11, 2005 - 9:00 A.M.**

Police say a defendant being retried on rape charges, 33-year-old Brian Nichols, takes a gun from a sheriff's deputy, Cynthia Ann Hall, as he is being led to court. Nichols shoots and critically injures Deputy Hall. Shortly thereafter, Nichols shoots and kills the judge in his trial, Rowland Barnes, and the court reporter, Julie Ann Brandau. Fleeing the scene, Nichols fatally shoots Fulton County Georgia Sheriff's Deputy Sgt. Hoyt Teasley outside the court building.

#### **Minutes after 9 a.m.**

Police say Nichols carjacks several vehicles, including a tow truck, before confronting Don O'Briant, a reporter for the Atlanta Journal-Constitution, in a parking garage, a few blocks from the courthouse. Nichols pistol-whips the reporter, who manages to get away from Nichols. Police advise the public to be on the lookout for O'Briant's green Honda Accord, which on a surveillance video released later that day was shown pulling away from a parking space in the garage.

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**9:30 a.m.**

The suspect appears on security video -- not revealed until Saturday -- at the same parking garage, descending a staircase alone and donning a blazer that apparently belongs to O'Briant, before emerging from the staircase with his hands in his pockets.

**Sometime after 9:30 a.m.**

Nichols takes the subway to Buckhead, an upscale neighborhood, about eight miles north of the courthouse.

**11 p.m.**

The green Honda Accord is found in the same parking garage, leaving police with no apparent lead on the suspect's method of transportation and prompting fears that he might have taken a hostage.

**March 12, 9:45 a.m.**

Reports emerge of a killing under investigation in the Buckhead area of Atlanta, several miles north of the courthouse. The body of U.S. Immigration and Customs Enforcement agent David Wilhelm is found. His gun, badge and truck are missing. It is believed that Nichols is responsible.

**9:50 a.m.**

A woman in Gwinnett County, northeast of Atlanta, calls emergency dispatchers, calmly saying she is in her apartment with Nichols, and that he has weapons, police say. SWAT officers arrive and surround the apartment.

**11:24 a.m.**

Nichols is taken into custody without incident at the apartment complex in the Atlanta suburb of Duluth. He is driven south in a police motorcade to an FBI field office before being taken to the Richard B. Russell Federal Building. Nichols has been charged with multiple counts, including the death U.S. Immigration and Customs Enforcement agent David Wilhelm. **Information summarized from USA Today March 14, 2005.**

This situation exemplifies the need for being prepared and for transporting staff to be trained in techniques that could save lives. In this module we'll examine the dynamics of using force, using

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firearms while transporting offenders and the techniques that can be employed to retain firearms in your control. To cover these aspects we'll use the following performance objectives:

At the conclusion of this course, participants will be able to:

- Given an confrontational situation, select and justify a use of force response; according to the guidelines provided.

### **INSTRUCTIONAL INPUT**

Before we get into the skills and techniques that are associated with the use and retention of firearms, we need to explore the critical issue of force. Using force, especially deadly force, is something in which you and the staff you train, need to be extremely well versed. To start, lets review some basic use of force concepts.

First is control. Anytime staff provide an escort they are maintaining control of the offender. However, should the offender become resistance it is vital that all staff not only be capable of gaining and maintaining control of a person subdued or restrained but more importantly know when and what type of force to use. In using force, **staff are permitted by law to use only that amount of force necessary to gain and maintain control, provide defense measures and to enforce the rules/laws**. The use of force for our agency, is formatted on a continuum that identifies the different levels of force from the least to most.

### **GUIDED PRACTICE**

#### **Note to Trainer:**

Assign a different level of force to each table group and have them explain what the level means, providing examples of each level. Allow them 10 minutes to complete their project.

**Directions:** In your groups, I want you to discuss the following force level(s) and develop a definition for this level(s). Once you have completed the definition, I want you to provide an example of

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how this level of force might be used and in what situation. You have 10 minutes to complete your project. Remember to select a spokes person to report out.

**1. PSYCHOLOGICAL** (presence of staff)

The courts have long held that the presence of a person of authority may influence the mind or behavior of another. This by definition is a level of force.

**2. VERBAL DIRECTION** (proper commands to seek compliance and attempt to transfer force decision to the subject.)

Prior to using force, if time and circumstances permit, staff should attempt to give verbal direction, advising the offender that force will be used. The offender should have the opportunity to comply with orders without force being used.

**3. SOFT EMPTY HAND** (touching for escort)

There are times that require us to physically escort an offender from point A to point B. If the offender gives us a reason to believe that he or she may resist or become a security threat during the escort then we must place ourselves in a position of advantage in order to limit our exposure to assault and facilitate our ability to effectively respond to the offender's increased resistance. We accomplish this by assuming a good Soft Empty Hand Escort Position.

**Note to Trainer:**

Trainer should demonstrate a Soft Empty Hand Escort Position to the class and explain that this is intended to give the staff member a position of advantage if the offender causes them to have to escalate to a greater level of force

**4. PEPPER SPRAY** falls at this level of the use of force continuum separate from chemical agents because it's an organic compound. Pepper Spray should only be used to repel an attack or to lower the resistance of the offender when there is no other lesser degree of force.

**5. HARD EMPTY HAND** (wrist locks, arm locks, blocking and striking techniques) - In some cases a very capable officer may use a wrist lock on a less capable opponent to easily control the person with no injury. In the case of a less capable officer and a very capable opponent it may be more reasonable to use pepper spray.

**Note to Trainer:**

Some of the other factors that may also dictate the use of a Hard Empty Hand

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technique over Pepper Spray may be the time staff has to react to the situation, the distance the offender is from the staff member, or area where the incident occurs.

**6. INTERMEDIATE** (batons, chemical agents and various types of restraints forcibly applied) - Staff also need to understand that some hard empty hand techniques and intermediate tools could be deadly depending on their use. That creates another area of overlap requiring the officer to use reasonable judgement to determine the least amount of force needed in each situation.

**7. DEADLY** (usually firearms but may be other forms likely to cause death or serious injury). According to MDOC Policy, deadly force will be used only as a last resort and when:

- There is no more reasonable way to prevent serious injury or death to oneself or to another person.
- In a riotous situation or disturbance which endangers life or property;
- An escape is actually in progress and cannot be reasonably prevented in any other manner; or
- There exists a continuing life threatening danger as a result of weapon fire by an offender or other person inside or outside the perimeter of the institution.

**Ask Participants:** Can someone describe the last time someone of authority caused them to do or not do something just by their presence?

#### **Possible Responses:**

This is the psychological level.

- A State Trooper sitting along side the road.
- A supervisor looking over your shoulder.

**Ask Participants:** What two things does verbalization allows us to do?

#### **Correct Responses:**

- Transfer the force decision to the offender.



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- Show our “intent” to apply the proper control of a professional “reasonable officer”. (Give examples)

With this in mind it is important for all of us to train ourselves and use good verbalization with all of our force or potential force situations.

In addition, verbal direction should not start and stop at a low level on the force continuum, but rather be integrated wherever possible to gain compliance during force application and to minimize the need for higher levels of force.

**Ask Participants:** What factors should you consider before you use pepper spray?

**Possible Response:** Location, cross-contamination, physical well-being of those contaminated, etc.

Each level reflects a different force consideration however, just because they are aligned in this particular order, it doesn't mean that you must apply each level before you can move to the next level.

### INSTRUCTIONAL INPUT

While policy outlines the specifics for the use of force within the institutional environment, it is somewhat different when transporting an offender in the community. There are statute provides several applicable references which govern the use of force in the community. The use of force guideline in Missouri Revised Statutes Chapter 217 which governs the Department of Corrections, (specifically 217.405) provides a broad definition as to the specifics of physical force, simply stating:

*“No employee of the department shall use any physical force on an offender except the employee shall have the right to use such physical force as is necessary to defend himself, suppress an individual or group revolt or insurrection, enforce discipline or to secure the offender.”*

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#### **217.405. Offender abuse, penalty--employees not to use physical force, exception.**

1. Except as provided in subsection 3 of this section, a person commits the crime of "offender abuse" if he knowingly injures the physical well-being of any offender under the jurisdiction of the department by beating, striking, wounding or by sexual contact with such person.

2. Offender abuse is a class C felony.

3. No employee of the department shall use any physical force on an offender except the employee shall have the right to use such physical force as is necessary to defend himself, suppress an individual or group revolt or insurrection, enforce discipline or to secure the offender.

However, while it is still true that you can use force to prevent an escape there are other considerations that must be evaluated. Revised Statutes Chapter 217, Section 217.280, outlines who may carry and use firearms for apprehension. While this doesn't specifically address the use of firearms when transporting offenders, it will be the applicable provision when an escape or an attempted escape occurs. Basically this states:

*"Those persons authorized to act by the director shall have the same power as granted any other law enforcement officers in this state to arrest escaped offenders and apprehend all persons who may be aiding and abetting such escape as defined in section 217.390. "*

#### **Missouri Revised Statutes**

Chapter 217

Department of Corrections

Section 217.280

August 28, 2004

#### **Firearms may be carried by designated employees--powers of arrest and apprehension.**

217.280. 1. Under the rules and regulations of the department, designated employees may carry firearms when necessary for the proper discharge of their duties in this state or any state.

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Those persons authorized to act by the director shall have the same power as granted any other law enforcement officers in this state to arrest escaped offenders and apprehend all persons who may be aiding and abetting such escape as defined in section 217.390.

**Note to Trainer:**

Section 217.390 simply states:

*“An offender absenting himself without leave from any person in charge of his supervision, or from any work assignment, educational release program or job outside of the correctional center, or from any halfway house or correctional facility operated by another political subdivision to which he has been assigned, or who willfully fails to return to such place at the appointed time after having been permitted to leave, shall be deemed on “escape” status.”*

**Escape, defined--penalty.**

217.390. An offender absenting himself without leave from any person in charge of his supervision, or from any work assignment, educational release program or job outside of the correctional center, or from any halfway house or correctional facility operated by another political subdivision to which he has been assigned, or who willfully fails to return to such place at the appointed time after having been permitted to leave, shall be deemed on “escape” status. He shall be reported by the division to the appropriate law enforcement officer and upon conviction shall be sentenced for escape as provided in section 575.210, RSMo. Inadvertent releases shall be rectified by an issuance of a warrant by the director.

This seems pretty straight forward. However, the statute stated that MDOC employees would have the *“same power as granted any other law enforcement officers”*.

**Ask Participants:** What does this mean?

**Possible Response:** Will vary.

Often staff hear this guideline but unfortunately, they have no idea what this truly entails. If staff determine that a firearm (deadly force) is necessary to prevent an escape then it must meet standards set forth in **RSMo 563.046 - Law enforcement officer's use of force in making an arrest:**

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3. A law enforcement officer in effecting an arrest or in preventing an escape from custody is justified in using deadly force only:
  - a. When such is authorized under other sections of this chapter; or
  - b. When he reasonably believes that such use of deadly force is immediately necessary to effect the arrest and also reasonably believes that the person to be arrested:
    - i. Has committed or attempted to commit a felony; or
    - ii. Is attempting to escape by use of a deadly weapon; or
    - iii. May otherwise endanger life or inflict serious physical injury unless arrested without delay.

#### **RSMo 563.046 Law enforcement officer's use of force in making an arrest.**

1. A law enforcement officer need not retreat or desist from efforts to effect the arrest, or from efforts to prevent the escape from custody, of a person he reasonably believes to have committed an offense because of resistance or threatened resistance of the arrestee. In addition to the use of physical force authorized under other sections of this chapter, he is, subject to the provisions of subsections 2 and 3, justified in the use of such physical force as he reasonably believes is immediately necessary to effect the arrest or to prevent the escape from custody.
2. The use of any physical force in making an arrest is not justified under this section unless the arrest is lawful or the law enforcement officer reasonably believes the arrest is lawful.
3. A law enforcement officer in effecting an arrest or in preventing an escape from custody is justified in using deadly force only:
  - a. When such is authorized under other sections of this chapter; or
  - b. When he reasonably believes that such use of deadly force is immediately necessary to effect the arrest and also reasonably believes that the person to be arrested:
    - i. Has committed or attempted to commit a felony; or
    - ii. Is attempting to escape by use of a deadly weapon; or
    - iii. May otherwise endanger life or inflict serious physical

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injury unless arrested without delay.

4. The defendant shall have the burden of injecting the issue of justification under this section.

The bottom-line is that if you are transporting an offender and they attempt to escape you can use force, up to and including deadly force. **However**, if you do commit to the use of force (deadly or otherwise) be prepared to justify your actions.

#### **JUSTIFICATION:**

So how do you do this? The use of force by officers is based on many factors. The ability to deal with hostile behavior and gain compliance can be a very complex task. In many cases after a confrontation, staff are called upon to explain why force was used during the encounter.

To justify your decision to use force you should be prepared to answer these three (3) basic questions:

- **WAS IT NECESSARY?**
- **WAS IT REASONABLE?**
- **WAS IT APPROPRIATE?**

The answers to these questions will be evaluated, as will your decision to apply the level of force that you chose. Your decision should be based on the “*four cornerstones*” of any legally justifiable act of self-defense or use of force, especially using a weapon. They must all be present simultaneously in order for there to be a situation where deadly actions are warranted. They are:

- **ability**
- **opportunity**
- **manifest intent (imminent jeopardy)**
- **preclusion**

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So what do these cornerstones mean? Lets look at each one and see.

An "**ability**" is simply an injurious capacity. It usually manifests itself in the form of a weapon of some sort, but not always. Serious injury can be inflicted by many individuals using no weapon at all. The person you applied deadly force against must have been "able" to kill you or inflict serious bodily harm. Threats alone do not suffice, unless he had the ability in hand to carry them out. If you were attacked by a person much larger than yourself, or by someone using martial arts techniques, or several individuals at the same time, you may reasonably conclude that he/they had the ability to seriously injure or kill you, even though they may have been technically "unarmed." Disparity in size, age, strength, sex, and the level of aggressiveness of the involved parties are all important matters when considering the element of "ability."

**Ask Participants:** What factors determine what level of force a staff member should use in any situation?

**Possible Responses:** Factors include the size and physical condition of the officer vs. the subject, age differences, numbers of officers, vs. subjects and location.

Let's talk about some of these facts and circumstances and how they affect you, your report, or to what **degree** of force you use.

Some use force appropriately, but don't know how to defend their actions later when they are challenged by peers or attorneys. You may be up against an attorney who can skillfully manipulate words and images and will attempt to take away your credibility. This means you will have to select effective force options in a physical encounter and be able to justify them later as **reasonable**.

#### **Note to Trainer:**

Discuss factors to be considered such as number of officers vs. opponents, size, prior knowledge, age and condition of the officer vs. opponent, location, etc. The question must be asked would a reasonable person given the totality of the circumstances in the same background, training, experience, including physical stature, have reacted the same way? (**The Reasonable Man Standard**)

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Many facts and circumstances will be subject to different interpretations with each encounter. What is appropriate for a staff member against an offender in a given set of circumstances can be totally inappropriate when the combatants and the setup or factors are changed.

The factors that are important for you to evaluate are:

- your size
- your age, and
- your sex
- plus the size, age and sex of the offender.

How you compare to the offender in these areas and what that implies may be important in determining the degree or level of force that is appropriate for you to use in controlling him or her.

An example of this would be; if you are a 24 year old, 6 foot 3 inches, 248 pound male officer trying to subdue a combative, unarmed, short, middle-aged female offender weighing 105 pounds, you will likely be able to justify using less force than a 115 pound female officer if it were her in the incident instead of you. Size, age, and sex play a role.

There are also other factors. Resistance is commonplace for today's offenders. Some of the staff are not prepared for this kind of resistance. To get hired on you had to have had a clean background, no criminal records. That's good but usually to go along with that, it sometimes means no rough and tumble experience of contact sports, or military service, many have never even been punched hard, or never literally been in a fight for their lives. Yet, you will be expected to subdue people who grew up in violence, who may be accomplished street fighters, who might be an ex-navy seal, ex-army ranger, ex-highway patrolman, ex-correctional officer, or someone who has pumped iron in prison to the point of physical perfection. This person might also be under the influence of drugs, alcohol or just adrenaline making him even harder to bring under control. These could be considered special circumstances or factors. The offender may be more violent; you must only be forceful.

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**Ask Participants:** How does “**ability**” apply to an escape attempt or use of force during a transport?

**Desired Response:** While there may not be a direct threat to you, if the security level of the offender is high enough to justify an armed escort, then it can be assumed that should the offender escape they will pose a danger to the community. In effect they will have the “ability” to cause serious injury to many individuals of the public. It is your responsibility to insure that this doesn’t occur.

When considering the element of “**opportunity**,” we must have a situation where this attacker, in addition to having an “ability,” was also in a position to bring the destructive powers of his ability to bear effectively upon you. The question is, were you within the effective range of his weapon(s)? For example, a knife or bludgeon is harmless in the hands of someone standing twenty meters away from you, yet either can be deadly if the person is standing within arm’s reach, or is several meters away but closing fast. A firearm, on the other hand, is considered deadly at any range.

**Ask Participants:** How does “**opportunity**” apply to an escape attempt or use of force during a transport?

**Desired Response:** Since the offender has committed harm to the public in the past, by their attempt to escape we can assume that they will be harming the public in the future. This means that they have the opportunity to cause harm.

You are in “**imminent jeopardy**” when the attacker unmistakably indicates, by words and/or actions, that it is his intention to kill or seriously injure you, and further, that he intends to do so at once. You are not permitted to use deadly force to defend yourself against nebulous (vague) threats. The danger must be mortal and imminent. It must appear that the circumstances were sufficient to occasion the legitimate fears of a reasonable person, and that you acted under the influence of those fears, not in a spirit of vengeance or criminal assault. When a person has reasonable grounds for believing, and does in fact actually believe, that the



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danger of his being killed or seriously injured is imminent, he is permitted by law to act in self-defense based on those appearances even, if necessary, to the extent of using lethal force. This is true even if it turns out that the appearances were misleading and the person was thus honestly mistaken as to the real extent of the danger. It is for the jury to decide whether appearances of danger were sufficient so as to justify the defensive actions that were taken.

**Ask Participants:** How does “**imminent jeopardy**” apply to an escape attempt or use of force during a transport?

**Desired Response:** An offenders attempt to escape can not be considered a nebulous (vague) threat, as they are actually committing the act. By their attempt to escape the circumstances were sufficient to occasion the legitimate fears of a reasonable person, and that you acted under the influence of those fears.

**"Preclusion"** simply means that all other options were precluded. In other words, you used deadly force only as a last, desperate resort. The jury must be persuaded that, under the circumstances, you had no logical or reasonable alternative but to use deadly force to defend yourself. Generally, the more self-restraint you use, the more "reasonable" your actions will look. In fact, "self-restraint" is a key word, particularly if you used a firearm. It is desirable for the jury to see your actions as judicious, restrained, reasonable, and retrogressive. They should believe you made every reasonable effort to abate the situation, even including the use of non-lethal force, before finally resorting to the use of deadly force. Conversely, they should see your attacker's actions as precipitous, unwarranted, barbarous, and unconscionable.

**Ask Participants:** How does “**preclusion**” apply to an escape attempt or use of force during a transport?

**Possible Responses:** Will vary.

Before you use force, especially deadly force, you need to rule out the other force options that are on the use of force continuum. This doesn't mean that you have to take an extended period of time

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to evaluate each one, exploring each option. It does however, mean that you need to be able to rationalize your choice. Your decision may only take a second and you may start at a high level of force based on the level of danger but you will be required to justify your choice. Officers using force need to understand the need for reasonable judgement based on each cases' set of facts and circumstances.

You may justify more force than might normally seem reasonable because of these special circumstances or factors. But where special circumstances require something more than normal force, be ready to identify them.

1. To yourself so you can make correct and effective force decisions; and
2. To those who may later evaluate your actions to see if the were appropriate.

If a smaller staff member is confronted with a much larger offender attempting to assault him or her it may be reasonable for the smaller staff member to use a greater degree of force to defend themselves then if a larger staff member was confronted with the same type of assault from a much smaller offender. While this example might be simple to respond to, others are not. You will be evaluated on your actions and to help you make the correct decisions, I want to give you an opportunity to apply the concepts that we've discussed.

### **GUIDED PRACTICE**

**Directions:** In your groups, discuss the following scenario(s) and determine the appropriate steps that should be taken. You have 15 minutes to complete the exercise, after which your spokesperson will need to report out.

**Scenario #1:** You are escorting an offender on a medical outcount to a large hospital and as you escort the offender into the building, you have two members of the offender's family attempt to free the offender. They are unarmed but have made verbal threats toward you if you attempt to stop them. You are

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armed with Pepper Spray and have a cellular phone. The hospital is in a large metropolitan area and there are several people in the immediate area.

What should you do? If you chose to use force, justify your actions based on the following criteria:

- Was it necessary?
- Was it reasonable?
- Was it appropriate?
- How did the situation meet the “four cornerstones” of legal justification?

**Scenario #1 Possible Response:** If you have time you should use the cellular phone to contact local authorities for assistance. If you perceive the situation to be an immediate danger to yourself, the offender, or the public use of force may be appropriate. The level of force would depend on the actions taken by the offender’s family members. At the very least you need to immediately leave the area.

**Scenario #2:** You have escorted a pregnant offender to a major hospital for a medical evaluation due to complications of the pregnancy and the offender has been assigned to a room for observation. You have been in the room for approximately 3 hours, when the offender’s mother, brother and husband arrive and demand to see the offender. (You recognize the brother as a prior offender.)

You tell the family that they are not allowed to visit but they refuse to leave and demand to see the offender. The offender’s husband begins to make verbal threats toward you and the situation quickly elevates from verbal remarks into a physical confrontation. When this physical confrontation occurs you and the offender’s husband are in the doorway of the room, while the offender’s mother and brother are just outside the door to the room. Inside the room in addition to the offender, is a nurse. You have pepper spray, radio and a cellular phone.

What should you do? If you chose to use force, justify your actions based on the following criteria:

- Was it necessary?
- Was it reasonable?

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- Was it appropriate?
- How did the situation meet the “four cornerstones” of legal justification?

**Scenario #2 Possible Response:** Hospital security should be called as soon as the offender’s family arrived but now you should also contact Local law enforcement, as well as hospital security. Since the situation has escalated to a physical confrontation you may use force to protect yourself, the offender or the public. Given the hospital environment, pepper spray may not be your best course of action because of the danger of cross-contamination. (The policy of the hospital may also prohibit staff from carrying pepper spray, removing this force option.) Physical force may be utilized but your primary goal would be to secure the offender. You also need to keep in mind that there are two other family members who may join the physical situation and you have no idea how this may end.

**Scenario #3:** You are providing an armed escort for an offender who is being transported to maximum facility and are passing through a busy intersection of a large metropolitan city. You notice that there seems to be excessive movement from the vehicle’s interior and as the vehicle enters an intersection, the prisoner jumps out of the transport vehicle, running toward a crowded sidewalk.

What should you do? If you chose to use force, justify your actions based on the following criteria:

- Was it necessary?
- Was it reasonable?
- Was it appropriate?
- How did the situation meet the “four cornerstones” of legal justification?

**Scenario #3 Possible Response:** While deadly force may be used to prevent an escape because of the location and the target background the use of deadly force will not be an option. This may change given the shooting window and the danger posed to the immediate public by the offender, i.e. hostage situation. You need

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to continue to visually track the offender while contacting local law enforcement. An attempt to physically restrain the offender if at all possible.

**Scenario #4:** You are the armed escort of a transportation detail taking three (3) offenders to Federal court in Kansas City. Two of the three offenders are assigned to a maximum security prison, with the other offender being assigned to a medium security facility. All three are incarcerated for violent crimes. The charges against the offenders relate to a Federal indictment for illegal firearms possession.

Traffic is heavy and you have fallen approximately one half of a block behind the lead vehicle. A school bus loaded with children separates you and the vehicle carrying the offenders. As the detail approaches the Federal Courthouse a van cuts the lead transportation vehicle off and two armed men jump out of the van. One man brandishes a firearm toward the vehicle, while the other man opens the transport vehicle's door. Two of the three offenders jump out and begin to run toward the van that stopped the transportation vehicle. You are now stopped directly behind the school bus and have apparently gone unnoticed by the armed men.

What should you do? If you chose to use force, justify your actions based on the following criteria:

- Was it necessary?
- Was it reasonable?
- Was it appropriate?
- How did the situation meet the "four cornerstones" of legal justification?

**Scenario #4 Possible Response:** In this situation it would be best if you do nothing except contact local law enforcement and relay as much information as possible.

**Ask Participants:** How much force are we authorized to use?

**Possible Responses:** Only the amount necessary to control a person or situation.

**Ask participants:** Why might staff be called upon to justify their

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actions in a use of force.

**Possible Responses:**

- lawsuits
- injuries
- investigations

**Ask Participants:** How can situations in the public affect how we respond to force situations?

**Possible Response:** They can determine different levels of force, and force options that can or should be used. It can also have a huge impact on the agency based on the feedback of the response.

The most simple way to evaluate the use of any force is to ask the question: Are there any “**lesser force options**” that would be reasonable in this situation? This question should always be your guide to your response, especially when a response with a firearm is being considered. One of the most critical issues that you’ll face may be determining when to use a firearm in the course of your duty and as a armed escorting officer this could happen.

### **EVALUATION/CLOSURE**

**Ask Participants:** What are the levels of force on the use of force continuum?

**Desired Response:** Psychological, verbal, soft empty hand, pepper spray, hard empty hand, intermediate force, deadly force.

**Ask Participants:** What are the three questions for justification?

**Desired Response:** To justify your decision to use force you should be prepared to answer these three (3) basic questions:

- **WAS IT NECESSARY?**
- **WAS IT REASONABLE?**
- **WAS IT APPROPRIATE?**

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**Ask Participants:** What are the “four cornerstones” of any legally justifiable act of self-defense or use of force and what do they mean?

**Desired Response:**

1. **“Ability”** is simply an injurious capacity.
2. **“Opportunity,”** in addition to having an "ability," an attacker must also in a position to bring the destructive powers of his ability to bear effectively upon you.
3. **“Imminent jeopardy”** when the attacker unmistakably indicates, by words and/or actions, that it is his intention to kill or seriously injure you, and further, that he intends to do so at once.
4. **“Preclusion”** which simply means that all other options were precluded.

In this module we discussed the use of force and when or if force should be applied. The focus was to provide you with an opportunity to evaluate situation that you may encounter when transporting offenders. While you have had the luxury to discuss the situation with your peers and evaluate your decision, the reality is that you won't have this opportunity when you are in the field. However, this did give you a chance to explore these situations and to think about what you may encounter. This was done by following this modules performance objective:

- Given an confrontational situation, select and justify a use of force response; according to the guidelines provided.

**Note to Trainer:**

Refer participants to the “Correction Concepts” page and have them note any new or different ideas about transport.

The decision to use force should never be taken lightly. It is a very serious issue and you have the responsibility to insure that the correct action occurs. Part of that responsibility is to be proficient with the tools that you'll be employing and your ability to retain them. In the next module we'll explore basic firearm usage and

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give you even more opportunities to examine the application of force.

**Note To Trainer:** It is strongly recommended that participants be scheduled to attend a Firearm Training System (FATS) workshop at the Training Academy. This will provide participants with an expanded knowledge and practice with “shoot/don’t shoot” scenarios.